

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA**

\*

**PLAINTIFF,**

\*

**CV-05-1086-WKW**

**VS.**

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**EIGHTY THOUSAND SIX HUNDRED  
THIRTY-THREE DOLLARS  
(\$80,633.00) IN UNITED STATES CURRENCY;  
FOUR THOUSAND EIGHT HUNDRED  
SEVENTY-EIGHT DOLLARS (\$4,878.00)  
IN UNITED STATES CURRENCY; AND  
THIRTY-SIX THOUSAND  
FIVE HUNDRED DOLLARS (\$36,500) IN  
UNITED STATES CURRENCY**

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**DEFENDANTS.**

**NOTICE OF FILING OF ADDITIONAL AUTHORITY**

Now comes the claimants, Michael Coleman and Jacquard Merritt, by and through the undersigned and submit additional authority. Specifically, the case of *Director, OWCP v. Greenwich Collieries*, 512 U.S. 267, 114 S.Ct. 2251 (1994), stands for the proposition that, where the evidence is in equipoise, the party not having the burden of persuasion prevails. Defendants contend that the best that can be said for the government's evidence at the close of its main case was, in light of evidence elicited on cross-examination of the government's witnesses, was that the evidence was in equipoise, and that the defendants' motion for judgment as a matter of law at the close of the

government's case should have been granted, as well as the motion at the close of all the evidence.

/s/ Joe M. Reed

Joe M. Reed

Attorney for Claimants and  
Defendant Currency

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed with the United States District Clerk, Middle District of Alabama who will send electronic notification to the Honorable John Harmon, Assistant United States Attorney, P.O. Box 197, Montgomery, AL 36101.

/s/ Joe M. Reed

Joe M. Reed